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2  
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
4 **OF THE STATE OF WASHINGTON**  
5

6 IN THE MATTER OF ENFORCEMENT )  
7 ACTION AGAINST ) PDC CASE NO.: 04-312  
8 Edmund T. Orcutt 2002 ) **FINAL ORDER IMPOSING FINE**  
9 Campaign Committee )  
Respondent. )  
\_\_\_\_\_ )

10  
11 **INTRODUCTION**

12 The Washington State Public Disclosure Commission (Commission) conducted an  
13 enforcement hearing (adjudicative proceeding) under chapters 34.05 and 42.17 RCW and  
14 chapter 390-37 WAC on December 10, 2003, with respect to the above-encaptioned matter.  
15 The Commission convened the hearing at the Evergreen Plaza Building, Room 206, 711  
16 Capitol Way South, in Olympia, Washington. The Staff appeared through Philip E.  
17 Stutzman, Director of Compliance. Edmund T. Orcutt, the Respondent, appeared on his  
18 own behalf.  
19

20 The Commission was provided a copy of the Report of Examination dated  
21 November 11, 2003 (the audit report of the Edmund T. Orcutt 2002 Campaign Committee),  
22 the Amended Notice of Administrative Charges dated December 3, 2003 and a Stipulation  
23 of Facts, Violations and Penalty (Stipulation) of the parties dated December 10, 2003. The  
24 Stipulation of Facts, Violations and Penalty are attached, and incorporated by reference into  
25 this Order.  
26

1 After due consideration of the Amended Notice of Administrative Charges, the  
2 Stipulation of Facts, Violations and Penalty, and oral argument by Staff and the  
3 Respondent, the Commission accepted the Stipulation. The Commission therefore makes  
4 the following findings and enters the following order.  
5

### 6 **FINDINGS**

7 Based upon the stipulated facts, violations and penalty, the Commission enters the  
8 following findings.

9 1. The Respondent committed multiple violations of RCW 42.17.080 and 42.17.090  
10 during the 2002 election by:

- 11 • failing to timely and accurately report the receipt of monetary  
12 contributions;
- 13 • failing to timely report in-kind contributions;
- 14 • failing to timely report monetary campaign expenditures; and
- 15 • failing to report campaign liabilities for campaign expenditures made  
16 with a credit card.  
17

18 2. The Respondent committed multiple violations of RCW 42.17.060(1) by failing to  
19 deposit contributions received within five business days of receipt.

20 3. The Respondent committed multiple violations of RCW 42.17.105 by failing to file  
21 required special reports, due within 48 hours of receiving contributions within 21  
22 days of the general election.  
23

### 24 **ORDER**

25 The Commission orders as follows:

26 1. That the Stipulation of Facts, Violations and Penalty is accepted;

- 1       2. That a total civil penalty of \$3,500 is assessed against the Respondent;
- 2       3. That \$1,000 of the penalty is suspended on the condition that no Edmund T. Orcutt
- 3       campaign for state or local elected office in 2004 through 2006 is found in violation
- 4       of any section of RCW 42.17 by the full Commission; and
- 5
- 6       4. That the Respondent is to pay the \$2,500 non-suspended portion of the penalty
- 7       within 60 days of the date of the Commission's final order in this matter.

8                   **RECONSIDERATION OF FINAL ORDER - COMMISSION**

9       Any party may ask the Commission to reconsider this final order. Parties must

10      place their requests for reconsideration in writing, include the specific grounds or reasons

11      for the request, and deliver the request to the Public Disclosure Commission Office within

12      **TEN (10) days** of the date that the Commission serves this order upon the party. Pursuant

13      to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the

14      petition for reconsideration if, within twenty (20) days from the date the petition is filed, the

15      Commission does not either dispose of the petition or serve the parties with written notice

16      specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the

17      Respondent is not required to ask the Public Disclosure Commission to reconsider the final

18      order before seeking judicial review by a superior court.

19

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21                   **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

22      Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure

23      Commission is subject to judicial review under the Administrative Procedures Act, chapter

24      34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW

25      34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston

26      County or the petitioner's county of residence or principal place of business. The petition

1 for judicial review must be served on the Public Disclosure Commission and any other  
2 parties within **30 days** of the date that the Public Disclosure Commission serves this final  
3 order on the parties.

4 If reconsideration is properly sought, the petition for judicial review must be served  
5 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
6 Commission acts on the petition for reconsideration.

7  
8 **ENFORCEMENT OF FINAL ORDERS**

9 The Commission will seek to enforce this final order in superior court under RCW  
10 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid  
11 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
12 will be taken without further order by the Commission.

13  
14  
15 DATED THIS 18<sup>th</sup> day of December, 2003.

16 FOR THE COMMISSION:

17 /s/  
18

19 \_\_\_\_\_  
20 VICKI RIPPIE, Executive Director

21 *Attachment:* Stipulation of Facts, Violations and Penalty Dated December 10, 2003

22 *MAILING DATE OF THIS ORDER:*

23 12/18/03

24 \_\_\_\_\_  
25 *Copies mailed to:*

26 Edmund T. Orcutt, Respondent

Linda Dalton, Senior Assistant Attorney General